

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this Transmittal Letter and the papers indicated as being transmitted therewith are being deposited with the United States Postal Service on this date shown below in an envelope as "Express Mail Post Office to Addressee" under the below indicated Mailing Label Number, addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Mailing Label No.: ED793642295US

Deposit Date: July 20, 2005

  
Name: Janet Farr

ATTORNEY'S DOCKET No. SHIOP0100US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(DO/EO/US)**

In re national phase of:

|                                |  |
|--------------------------------|--|
| Applicant(s):                  | Masaaki UENAKA et al.                              |
| International Application No.: | PCT/JP2004/001477                                  |
| International Filing Date:     | 12 February 2004                                   |
| Priority Date Claimed:         | 14 February 2003                                   |
| Title of Invention:            | CRYSTAL OF SYNTHETIC INTERMEDIATE OF<br>CARBAPENEM |

**TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED  
OFFICE (DO/EO/US) CONCERNING ENTRY INTO U.S. NATIONAL  
PHASE UNDER 35 U.S.C. 371**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information under 35 U.S.C. 371:

1. This express request to immediately begin national examination procedures (35 U.S.C. 371(f)).
2. The U.S. National Fee (35 U.S.C. 371(c)(1)) and other fees (37 CFR 1.492) as indicated below.

3. A copy of the International application (35 U.S.C. 371(c)(2)):
- a. ☒ is transmitted herewith  
(International Publication No. WO 2004/072073 A1).
  - b. ☐ is not required, as the application was filed with the United States Receiving Office.
  - c. ☐ has been transmitted by the International Bureau. A copy of Form PCT/IB/308 is enclosed.
4. ☒ A translation of the International application into the English language (35 U.S.C. 371(c)(2)) is transmitted herewith (See "Original PCT" Application).
5. Amendments to the claims of the International application under PCT Article 19 (35 U.S.C. 371(c)(3)):
- a. ☐ are transmitted herewith.
  - b. ☐ have been transmitted by the International Bureau.
6. ☐ A translation of the amendments to the claims under PCT Article 19 (38 U.S.C. 371(c)(3)) is transmitted herewith.
7. A copy of the international examination report (PCT/IPEA/409)
- a. ☒ is transmitted herewith.
  - b. ☐ is not required as the United States Patent and Trademark Office was the IPEA.
8. Annex(es) to the international preliminary examination report
- a. ☐ is/are transmitted herewith(same as Amendment Under PCT Article 34).
  - b. ☐ is not required as the United States Patent and Trademark Office was the IPEA.
9. ☐ A translation of the annexes to the international preliminary examination report is transmitted herewith(same as Amendment Under PCT Article 34).
10. ☐ An oath or declaration of the inventor (35 U.S.C. 371(c)(4)) complying with 35 U.S.C. 115 is submitted herewith.

11. An International Search Report (PCT/ISA/210)
  - a. ☒ is transmitted herewith.
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was searched by the United States International Searching Authority.
12. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98 is transmitted herewith, along with Form PTO-1449 and copies of citations listed.
13. ☐ An assignment document is transmitted herewith for recording, along with a separate cover sheet.
14. ☒ A Preliminary Amendment is enclosed.
15. ☐ A verified statement claiming small entity status is enclosed.
16. ☐ Other:

| Basic National Fees                                  |              |     |              |          | Fee        |
|--|--------------|-----|--------------|----------|------------|
| Basic National Stage Fee                             |              |     |              |          | \$300.00   |
| National Stage Search Fee                            |              |     |              |          | \$500.00   |
| National Stage Examination Fee                       |              |     |              |          | \$200.00   |
| Basic fee →  |              |     |              |          | \$1,000.00 |
| Claims*  | Number filed |     | Number extra | Rate     |            |
| Total claims   | 19           | -20 | 0            | \$50.00  | \$0.00     |
| Independent claims                                   | 1            | -3  | 0            | \$200.00 | \$0.00     |
| Multiple dependent claims (if applicable)            |              |     |              | \$360.00 | \$0.00     |
| Additional Sheets:                                   |              |     |              |          |            |
| Sets of 50 over 100 sheets                           | 0            | x   |              | \$250.00 | \$0.00     |
| Total of above                                       |              |     |              |          | \$1,000.00 |
| Small entity statement enclosed, 1 if Yes, 0 if No → |              |     |              | 0        | \$0.00     |
| Total national fee                                   |              |     |              |          | \$1,000.00 |
| Non-English language specification                   |              |     |              | \$130.00 | \$0.00     |
| Total fees enclosed                                  |              |     |              |          | \$1,000.00 |

\*After any attached preliminary amendment reducing the number of claims and/or deleting multiple dependencies.

☐ A check in the amount of \$\_\_\_\_\_ to cover the above fees is enclosed.

☒ Payment by credit card in the amount of \$ 1,000.00. Form PTO-2038 is enclosed.

☐ Please charge our Deposit Account No. 18-0988 in the amount of \$\_\_\_\_\_. A duplicate copy of this sheet is enclosed.

WARNING: TO AVOID ABANDONMENT OF THE APPLICATION THE BASIC NATIONAL FEE MUST BE PAID WITHIN THE 20/30 MONTH TIME LIMIT.

16. The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the entire pendency of this application to our Deposit Account No. 18-0988:


a. ☒ 37 CFR 1.492(a)(1), (2), (3), (4) and (5) (filing fees)

WARNING: BECAUSE FAILURE TO PAY THE NATIONAL FEE WITHIN 30 MONTHS WITHOUT EXTENSION (37 CFR S 1.495(B)(2)) RESULTS IN ABANDONMENT OF THE APPLICATION, IT WOULD BE BEST TO ALWAYS CHECK THE ABOVE BOX.

b. ☐ 37 CFR 1.492(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.492(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

Respectfully submitted,

  
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Neil A. DuChez  
Reg. No. 26,725

Direct all correspondence and telephone calls to:

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